

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

RICHARD J. COSTELLO, II,)	Case No. _____
)	
Plaintiff,)	
)	
v.)	
)	
RICHARD F. SMITH, C.E.O, EQUIFAX INC.;)	
and EQUIFAX INFORMATION SERVICES LLC,)	
)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants, Equifax Information Services LLC (“Equifax”) and Richard F. Smith (“Defendants”), file this Notice of Removal of this action from the Superior Court of the Commonwealth of Massachusetts, where it is now pending as Case No. 12-1608-C, to the United States District Court for the District of Massachusetts. This Notice of Removal is filed pursuant to 28 U.S.C. § 1441 and 1446. In support hereof, Defendants show this Court as follows:

1. An action was filed on August 28, 2012 in the Superior Court of the Commonwealth of Massachusetts, Suffolk County, entitled *Richard J. Costello, II v. Richard F. Smith, C.E.O., Equifax Inc., and Equifax Information Services LLC*, Case No. 12-1608-C (the “State Court Action”).

2. Equifax was served with the Complaint on August 29, 2012. A copy of all process, other pleadings and documents served upon Defendants in the Superior Court action are attached hereto as Exhibit A.

3. This Notice is being filed with this Court within thirty (30) days after Equifax was served with a copy of Plaintiff’s initial pleading setting forth the grounds for his action and his

claims for relief.

4. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under the Constitution, laws or treaties of the United States specifically 15 U.S.C. §§ 1681, *et seq.*, otherwise known as the Fair Credit Reporting Act (“FCRA”) as follows:

(a) The FCRA governs the accuracy of information contained in consumers’ credit files such as those of Plaintiff. *See* 15 U.S.C. § 1681. Plaintiff’s Complaint, on its face, alleges violations of the FCRA. *See* Exhibit A, Complaint, Counts One and Two. In the Complaint, Plaintiff alleges that Equifax failed to comply with the requirements of the FCRA. Equifax is a consumer reporting agency as defined by the FCRA. *See* 15 U.S.C. § 1681a(f). Upon information and belief, Plaintiff is a consumer as defined by the FCRA. *See* 15 U.S.C. § 1681a(c).

5. Promptly after the filing of this Notice of Removal, Equifax shall give written notice of the removal to the parties and to the Clerk of the Court in the State Court Action, as required by 28 U.S.C. § 1446(d).

6. The Court in which this action was commenced is within this Court’s District and Division.

WHEREFORE, Equifax requests that the above-described action be removed to this Court.

Dated: September 13, 2012.

Respectfully submitted,

Equifax Information Services LLC

By: /s/ Katherine S. Kayatta

Katherine S. Kayatta (BBO # 675487)

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the foregoing NOTICE OF REMOVAL by depositing same in the United States mail, properly addressed with sufficient postage affixed thereto to ensure delivery to:

Richard J. Costello, II
61 Wycliff Avenue
West Roxbury, MA 02132
Plaintiff Pro Se

This 13th day of September, 2012.

/s/ Katherine S. Kayatta
Katherine S. Kayatta